

REMARKS

The claims have been amended by rewriting claims 1-12, canceling claims 24-31, and adding new claims 49-55. Claims 1-12 and 49-55 remain in the application.

Reconsideration of this application is respectfully requested.

Objection to the Specification:

The specification was objected to as not including a brief summary of the invention. This objection is respectfully traversed. 37 CFR § 1.73 provides:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed. [Emphasis added.]

The "when set forth" language of 37 CFR § 1.73 provides that a "Summary of the Invention" is not a required part of the specification, but merely a *suggested* one. Hence, it is proper not to include a "Summary of the Invention" in the specification, as it is not required. The language relating to the summary of the invention preceding the detailed description merely states that when a "Summary of the Invention" is set forth, it should precede the detailed description.

The Applicants have amended the specification, as noted above, to correct the other informalities pointed out by the Examiner.

Claim Rejections - 35 U.S.C. § 102(e):

Claims 1-8, 12 and 24-30 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Bakre, et al. (M-RPC: A Remote Procedure Call Service for Mobile Clients, Rutgers University, pages 1-13, 1995) (hereinafter "Bakre"). In support, the Examiner suggests that Bakre discloses a communication system that includes a service provider and a plurality of subscribers, and a method for processing services as claimed in the present invention (page 5, section 3.2, left column; FIGS. 2-3; and page 3, section 3.3). Based upon this comparison, the Examiner insists Bakre anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(e) denies patentability when "the invention" was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2) and (4) of section 371(c) of this title before the invention by the applicant for patent. It is well established, however, to "anticipate," pursuant to 102, a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

...*indicating to the subscriber* that the service provider is *capable of supporting a service*;
receiving service processing logic *from the subscriber* to allow the service provider to provide the service...

While Bakre relates to a remote procedure call service for mobile clients, a careful reading of this reference fails to disclose ...*indicating to the subscriber* that the service provider is *capable of supporting a service*, and *receiving service processing logic from the subscriber* to allow the service provider to provide the service... As pointed out in the present application on page 7, lines 19-22, the service processing logic may include the entire software application to process the particular service and/or customized user parameters.

Based upon this lack of teaching, the Applicants insist that Bakre fails to describe the invention of the present application. Since Bakre fails to disclose an essential limitations of the claimed invention; namely, *indicating to the subscriber* that the service provider is *capable of supporting a service*; and *receiving service processing logic from the subscriber* to allow the service provider to provide the service..., there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Bakre and may therefore be passed to allowance.

The Applicants cancel claims 24-31 without prejudice or disclaimer. Cancellation of claims 24-31 is not an admission that Bakre anticipates their limitations. Their cancellation

instead reflects the Applicants' desire to expeditiously proceed and prosecute the remaining claims in this application.

Allowable Subject Matter:

Claims 9-11 and 31 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all other limitations of the base claim and any intervening claims.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account 502117.


Respectfully submitted,

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